Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 19

SENATE BILL 1300

AN ACT

AMENDING SECTIONS 36-2514, 36-2515, 36-2516, 36-2522 AND 36-2525, ARIZONA REVISED STATUTES; RELATING TO CONTROLLED SUBSTANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-2514, Arizona Revised Statutes, is amended to read:

36-2514. Substances in schedule III; definition

A. The following controlled substances are, unless specifically excepted, included in schedule III:

1. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including its salts, isomers, whether optical, position or geometric, and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Benzphetamine.

(b) Chlorphentermine.

(c) Clortermine.

(d) Delta-9-tetrahydrocannabinol (synthetic).

(e) Gamma-hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma-hydroxybutyric acid, including isomers, esters and ethers and salts of isomers, esters and ethers of ~~gamma-hyroxybutyric~~ GAMMA-HYDROXYBUTYRIC acid, except gamma-butyrolactone, contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act.

(f) Ketamine.

(g) Phendimetrazine.

2. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(a) Any compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(b) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital or any salt of any of these drugs and approved by the federal act for marketing only as a suppository.

(c) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof.

(d) Chlorhexadol.

(e) Lysergic acid.

(f) Lysergic acid amide.

(g) Methyprylon.

(h) Sulfondiethylmethane.

(i) Sulfonethylmethane.

(j) Sulfonmethane.

(k) Tiletamine/zolazepam (telazol).

3. ANY MATERIAL, COMPOUND, MIXTURE OR PREPARATION CONTAINING THE NARCOTIC DRUG nalorphine ~~(a narcotic drug)~~ OR ANY OF ITS SALTS.

4. ANY MATERIAL, COMPOUND, MIXTURE OR PREPARATION CONTAINING THE NARCOTIC DRUG BUPRENORPHINE OR ANY OF ITS SALTS.

~~4.~~ 5. Any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof, calculated as the free anhydrous base or alkaloid:

(a) Not more than one point eight grams of codeine, or any of its salts, per one hundred milliliters or not more than ninety milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium.

(b) Not more than one point eight grams of codeine, or any of its salts, per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(c) Not more than three hundred milligrams of dihydrocodeinone, or any of its salts, per one hundred milliliters or not more than fifteen milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(d) Not more than three hundred milligrams of dihydrocodeinone, or any of its salts, per one hundred milliliters or not more than fifteen milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(e) Not more than one point eight grams of dihydrocodeine, or any of its salts, per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Not more than three hundred milligrams of ethylmorphine, or any of its salts, per one hundred milliliters or not more than fifteen milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(h) Not more than fifty milligrams of morphine, or any of its salts, per one hundred milliliters or per one hundred grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

~~5.~~ 6. Any material, compound, mixture or preparation containing any of the following anabolic steroids but not including United States food and drug administration approved over-the-counter preparations, labeled for animal use or those prescription-only anabolic steroid preparations in combination with a therapeutic amount of a ~~non-anabolic~~ NONANABOLIC steroid and intended for human use:

(a) Boldenone.

(b) Chlorotestosterone.

(c) Clostebol.

(d) Dehydrochlormethyltestosterone.
(e) Dihydrotestosterone.
(f) Drostanolone.
(g) Ethylestrenol.
(h) Fluoxymesterone.
(i) Formebulone.
(j) Mesterolone.
(k) Methandienone.
(l) Methandranone.
(m) Methandriol.
(n) Methandrostenolone.
(o) Methenolone.
(p) Methyltestosterone.
(q) Mibolerone.
(r) Nandrolone.
(s) Norethandrolone.
(t) Oxandrolone.
(u) Oxymesterone.
(v) Oxymetholone.
(w) Stanolone.
(x) Stanozolol.
(y) Testolactone.
(z) Testosterone.
(aa) Trenbolone.
(bb) Any salt, ester or isomer of a drug or substance described or listed in this paragraph, if that salt, ester or isomer promotes muscle growth.

B. The board may except by rule any compound, mixture or preparation containing any substance listed in this section from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiates the potential for abuse.

C. For the purposes of this section, "anabolic steroid" means a growth promoting drug or hormonal substance ~~that promotes growth and~~ that is chemically or pharmacologically related to testosterone, other than estrogens, progestins and corticosteroids.

Sec. 2. Section 36-2515, Arizona Revised Statutes, is amended to read:

36-2515. Substances in schedule IV

A. The following controlled substances are, unless specifically excepted, included in schedule IV:

1. Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including its salts, isomers, ~~(~~whether optical, position or geometric,~~)~~ and salts of such

isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Cathine (+(4)-norpseudoephedrine).

(b) Diethylpropion.

(c) Fencamfamin.

(d) Fenproporex.

(e) Mazindol.

(f) Mefenorex.

(g) Pemoline (including organometallic complexes and chelates thereof).

(h) Phentermine.

(i) Pipradrol.

(j) SPA((-)-1-dimethylamino-1, 2-diphenylethane).

(k) Butorphanol.

(l) Modafinil.

(m) Sibutramine.

2. Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam.

(b) Barbital.

(c) Bromazepam.

(d) Camazepam.

(e) Chloral betaine.

(f) Chloral hydrate.

(g) Chlordiazepoxide.

(h) Clobazam.

(i) Clonazepam.

(j) Chlorazepate.

(k) Clotiazepam.

(l) Cloxazolam.

(m) Delorazepam.

(n) Diazepam.

(o) Dichloralphenazone.

(p) Estazolam.

(q) Ethchlorvynol.

(r) Ethinamate.

(s) Ethyl loflazepate.

(t) Fludiazepam.

(u) Flunitrazepam.

(v) Flurazepam.

(w) Halazepam.

(x) Haloxazolam.

(y) Ketazolam.
(z) Loprazolam.
(aa) Lorazepam.
(bb) Lormetazepam.
(cc) Mebutamate.
(dd) Medazepam.
(ee) Meprobamate.
(ff) Methohexital.
(gg) Methylphenobarbital (methobarbital).
(hh) Midazolam.
(ii) Nimetazepam.
(jj) Nitrazepam.
(kk) Nordiazepam.
(ll) Oxazepam.
(mm) Oxazolam.
(nn) Paraldehyde.
(oo) Petrichloral.
(pp) Phenobarbital.
(qq) Pinazepam.
(rr) Prazepam.
(ss) Quazepam.
(tt) Temazepam.
(uu) Tetrazepam.
(vv) Triazolam.
(ww) Zaleplon.
(xx) Zolpidem.

3. Fenfluramine.

4. Any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts, calculated as the free anhydrous base or alkaloid, in limited quantities of not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

5. Any material, compound, mixture or preparation that contains any quantity of the following substances, including its salts:

(a) CARISOPRODOL.

~~(a)~~ (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

~~(b)~~ (c) Pentazocine.

B. The board may except by rule any compound, mixture or preparation containing any substance listed in this section from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiates the potential for abuse.

Sec. 3. Section 36-2516, Arizona Revised Statutes, is amended to read:

36-2516. Substances in schedule V

The following controlled substances or controlled substance precursors are included in schedule V:

1. Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, calculated as the free anhydrous base or alkaloid, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two hundred milligrams of codeine, or any of its salts, per one hundred milliliters or per one hundred grams.

(b) Not more than one hundred milligrams of dihydrocodeine, or any of its salts, per one hundred milliliters or per one hundred grams.

(c) Not more than one hundred milligrams of ethylmorphine, or any of its salts, per one hundred milliliters or per one hundred grams.

(d) Not more than 2.5 milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit.

(e) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams.

(f) Not more than 0.5 milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

2. Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation containing pyrovalerone ~~or the narcotic drug buprenorphine and its salts~~.

3. Any compound or preparation containing the single active ingredient ephedrine or any of its salts.

Sec. 4. Section 36-2522, Arizona Revised Statutes, is amended to read:

36-2522. Registration requirements

A. Every person who manufactures, distributes, dispenses or uses for scientific purposes any controlled substance within this state or who proposes to engage in the manufacture, distribution, dispensing of or using for scientific purposes any controlled substance within this state ~~shall~~ MUST first:

1. Obtain and possess a current license or permit as a medical practitioner as defined in section 32-1901 or as a pharmacy, pharmacist, manufacturer or wholesaler pursuant to title 32, chapter 18. ~~Such person shall also~~

2. Be a registrant under the federal controlled substances act (P.L. 91-513; 84 Stat. 1242; 21 U.S.C. sec. 801 et seq.). ~~Such person shall be considered registered under this chapter.~~

B. ~~Persons~~ A PERSON WHO IS registered under this chapter to manufacture, distribute, dispense or use for scientific purposes controlled substances may possess, manufacture, distribute, dispense or use for scientific purposes those substances to the extent authorized by ~~their~~ THAT

PERSON'S license or permit in conformity with ~~the other provisions of~~ this chapter and title 32, chapter 18.

C. The following persons need not register and may lawfully possess controlled substances under this chapter:

1. An agent or employee of any registered manufacturer, distributor or dispenser of any controlled substance if he is acting in the usual course of his business or employment.

2. A common or contract carrier or warehouseman or ~~an~~ THAT PERSON'S employee ~~thereof~~ whose possession of any controlled substance is in the usual course of business or employment.

3. An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a medical practitioner or in lawful possession of a schedule V substance.

4. An officer or employee of the department of public safety OR THE BOARD or a peace officer as defined in section 1-215 in the lawful performance of ~~his or her duty~~ THAT PERSON'S DUTIES.

D. The board may waive by rule the requirement for registration of certain manufacturers, distributors or dispensers if the board finds waiver consistent with the public health and safety or the requirements of the United States drug enforcement administration.

E. The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's regulation.

Sec. 5. Section 36-2525, Arizona Revised Statutes, is amended to read:

36-2525. Prescription orders; labels

A. In addition to requirements in section 32-1968, pertaining to prescription orders for prescription-only drugs, the prescription order for a controlled substance shall bear the name, address and federal registration number of the prescriber. Prescription orders for controlled substances shall be filed and records kept in conformity with the requirements of section 36-2523. A prescription order for a controlled substance drug other than a hospital drug order for a hospital inpatient shall contain only one drug order per prescription blank.

B. Except in emergency situations in conformity with subsection C of this section or when dispensed directly by a medical practitioner to an ultimate user, a controlled substance in schedule II shall not be dispensed without the written prescription order in ink or indelible pencil or typewritten and manually signed by the medical practitioner. A PRESCRIPTION ORDER FOR A SCHEDULE II SUBSTANCE SHALL NOT BE DISPENSED MORE THAN SIXTY DAYS AFTER THE DATE ON WHICH THE PRESCRIPTION ORDER WAS ISSUED. A prescription order for a schedule II substance shall not be refilled.

C. In emergency situations, emergency quantities of schedule II substances may be dispensed on an oral prescription order of a medical practitioner. Such an emergency prescription order shall be immediately reduced to writing by the pharmacist and shall contain all the information required for schedule II drugs except for the manual signing of the order by

the medical practitioner. Within seven days after authorizing an emergency oral prescription order, the prescribing medical practitioner shall cause a written prescription order manually signed for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to other requirements for prescription orders for schedule II substances, it shall have written on its face "authorization for emergency dispensing" and the date of the oral order. If the prescribing medical practitioner fails to deliver such an emergency prescription order within seven days in conformance with board rules, the pharmacist shall notify the board. Failure of the pharmacist to notify the board shall void the authority conferred by this subsection to dispense without a written, manually-signed prescription order of a medical practitioner.

D. Except when dispensed directly by a medical practitioner to an ultimate user, a controlled substance included in schedule III or IV which requires a prescription order as determined under state or federal laws shall not be dispensed without a written or oral prescription order of a medical practitioner. The prescription order shall not be filled or refilled more than six months after the date on which ~~such~~ THE prescription order was issued. ~~No such~~ A prescription order authorized to be refilled ~~may~~ SHALL NOT be refilled more than five times. Additional quantities may only be authorized by the prescribing medical practitioner through issuance of a new prescription order which shall be treated by the pharmacist as a new and separate prescription order.

E. Except when dispensed directly by a medical practitioner to an ultimate user, a controlled substance that is included in schedule V and that requires a prescription order as determined under state or federal laws shall not be dispensed without a written or oral prescription order of a medical practitioner. The prescription order may be refilled as authorized by the prescribing medical practitioner but shall not be filled or refilled more than one year after the date of issuance.

F. A controlled substance that is listed in schedule III, IV or V and that does not require a prescription order as determined under state or federal laws may be dispensed at retail by a pharmacist, or a pharmacy intern under ~~his~~ THE PHARMACIST'S supervision, without a prescription order to a purchaser at least eighteen years of age provided that all of the following are true:

1. It is for a legitimate medical purpose.

2. Not more than two hundred forty cubic centimeters (eight ounces) of any such controlled substance containing opium, nor more than one hundred twenty cubic centimeters (four ounces) of any other such controlled substance, nor more than forty-eight dosage units of any such controlled substance containing opium, nor more than twenty-four dosage units of any other controlled substance may be dispensed at retail to the same purchaser in any given forty-eight hour period.

3. No more than one hundred dosage units of any single active ingredient ephedrine preparation may be sold, offered for sale, bartered, or given away to any one person in any one thirty-day period.

4. The pharmacist, or pharmacy intern, requires every purchaser of a controlled substance under this subsection not known to him to furnish suitable identification, including proof of age where appropriate.

5. A bound record book for dispensing controlled substances under this subsection is maintained by the pharmacist, which book shall contain the name and address of the purchaser, the name and quantity of the controlled substance purchased, the date of each purchase and the name or initials of the pharmacist or pharmacy intern who dispensed the substance to the purchaser. Such book shall be maintained in conformity with the record keeping requirements of section 36-2523.

G. In the absence of a law requiring a prescription for a schedule V controlled substance, the board may by rules require, or remove the requirement of, a prescription order for a schedule V controlled substance.

H. The label on a container of a controlled substance directly dispensed by a medical practitioner or pharmacist, not for the immediate administration to the ultimate user, such as a bed patient in a hospital, shall bear the name and address of the dispensing medical practitioner or pharmacist, the serial number, date of dispensing, name of prescriber, name of patient or, if an animal, the name of the owner of the animal and the species of the animal, directions for use and cautionary statements, if any, contained in the prescription order or required by law. If the controlled substance is included in schedule II, III or IV the label shall bear a transfer warning to the effect: "Caution: federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed".

I. The board may, by rule, provide additional requirements for prescribing and dispensing controlled substances.

APPROVED BY THE GOVERNOR MARCH 31, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2003.

Passed the House March 24, 2003,

by the following vote: 53 Ayes,

1 Nays, 6 Not Voting

Jake Flake -V-
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 25, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett
President of the Senate

Cheryl Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

25 day of March, 2003

at 12:34 o'clock P M.

Sandra Ramsey
Secretary to the Governor

Approved this 31 day of

March, 2003,

at 2:30 o'clock P. M.

Jane Dee Hull
Governor of Arizona

S.B. 1300

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of April, 2003,

at 4:20 o'clock P M.

Jan K. Brewer
Secretary of State